

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Commission on Proprietary Education
(Amendment)

791 KAR 1:070. Commercial driver license training school instructor and agent application and renewal procedures.

RELATES TO: KRS 165A.310, 165A.330(1), 165A.350, 165A.370, 165A.380, 165A.460, 165A.465, 165A.470, 165A.475, 165A.480, 165A.485, 332.095

STATUTORY AUTHORITY: KRS 165A.340, (6), (10), 165A.400, 165A.465, 165A.510

NECESSITY, FUNCTION, AND CONFORMITY: KRS 165A.340(6) and (10), 165A.400, 165A.465, and 165A.510 require the Kentucky Commission on Proprietary Education to promulgate administrative regulations for the administration of KRS Chapter 165A and to establish standards for instructors and agents of commercial driver licensing schools, including application and renewal procedures. This administrative regulation establishes the standards for instructors and agents, including application and renewal procedures regarding commercial driver license training schools.

Section 1. Definitions. (1) "Classroom instructor" means a commercial driver license school instructor whom the school owner has qualified to perform classroom instruction only for the classroom sections of the General Curriculum Standards for Kentucky Licensed Commercial Driving Schools.

(2) "Skills Instructor" means a commercial driver's~~[drivers]~~ license school instructor who instructs the Range and Street sections of the General Curriculum Standards for Kentucky Licensed Commercial Driving Schools and has met the licensing requirements of Section 2 of this administrative regulation.

Section 2. An applicant for a Commercial Driver License Training School Skills Instructor license shall:

(1) Complete and submit Form PE 34, Application for Commercial Driver License Training School Instructor;

(2) Submit two (2) recent passport-size photographs, electronically provided to the Commission;

(3) Pay the nonrefundable application fee of twenty (20) dollars established in KRS 165A.475(6);

(4) Pay the nonrefundable initial licensure fee of \$200;

(5) Provide a copy of the applicant's valid Class A CDL license;

(6) Provide proof of at least two (2) years of verifiable commercial over the road driving experience; and

(7) Provide proof of receiving a passing score on the written examination and skills examination administered by the Kentucky State Police as required by 502 KAR 10:030 and 10:035.

Section 3. Application for Renewal of Commercial Driver License Training School Instructor. On or before May 15 of each year, a licensed commercial driver license training school instructor, or a licensed commercial driver license training school on behalf of the skills instructor, shall:

(1) Complete and submit Form PE 35 Renewal Application for Commercial Driver License Training School Instructor;

(2) Submit two (2) recent passport-size photographs;

(3) Pay the nonrefundable application fee of twenty (20) dollars established in KRS 165A.475(6); and

(4) Pay the nonrefundable renewal fee of \$200.

Section 4. Classroom Instructors. The CDL school shall submit a Form PE 11, Form for Instructional Staff and Key Administrative Personnel, incorporated by reference in 791 KAR 1:010, to the commission upon qualifying an individual as a classroom instructor.

Section 5. Conditional [~~Temporary~~] License for CDL Skills Instructor. (1) The commission shall issue to an applicant who has completed the requirements of Sections 2 and 3 of this administrative regulation a temporary permit, by way of letter, for the performance of skills instructor duties while the license application is being processed.

(2) The commission shall provide the applicant and the licensed school a letter stating the applicant's application is in order and is being processed for applicant licensing.

(a) The commission shall provide this letter within ten (10) business days of receipt of a properly completed application.

(b) This letter shall serve as the applicant's conditional [~~temporary~~] license until a regular license is issued.

(c) A copy of the commission's letter shall be maintained by the applicant and be available for review upon request by the commission's inspector or the Kentucky State Police.

(d) If the applicant is denied a license, the commission shall issue a notice to the applicant and the applicant's school rescinding the applicant's conditional [~~temporary~~] license for a skills instructor.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "General Curriculum Standards for Kentucky Licensed Commercial Driving Schools", June 2014 edition;

(b) Form PE 34, "Application for Commercial Driver License Training School Instructor", as provided in EdVera software version 2.1, edition 2021 [~~2017 edition~~]; and

(c) Form PE 35, "Renewal Application for Commercial Driver License Training School Instructor", as provided in EdVera software version 2.1, edition 2021 [~~2017 edition~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Commission on Proprietary Education, 500 Mero Street [~~300 Sower Boulevard~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

MISTY N. EDWARDS, Executive Director

For DAVID W. FLOYD, Chair

APPROVED BY AGENCY: August 4, 2021

FILED WITH LRC: August 4, 2021 at 11:10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, KY. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit

written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Misty Edwards, Executive Director, Kentucky Commission on Proprietary Education, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601-1957, phone 502-564-4185, email kcpe@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Misty Edward

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation (791 KAR 1:070) establishes the standards for instructors and agents of commercial driver licensing schools, including application and renewal procedures regarding commercial driver license training schools.

(b) The necessity of this administrative regulation: This administrative regulation (791 KAR 1:070) establishes the standards for instructors and agents of commercial driver licensing schools, including application and renewal procedures regarding commercial driver license training schools. Further, this administrative regulation addresses the utilization of an electronic data management system.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The statute requires the commission to promulgate regulations for the administration of KRS Chapter 165A and to establish standards for instructors and agents of commercial driver licensing schools, including application and renewal procedures.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidance to proprietary commercial driver license training schools, instructors and agents of commercial driver license training schools. The electronic data management system will modernize the multiple levels of regulatory procedures and license processing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will facilitate the process of automating and streamlining regulatory and licensing processes through the use of an electronic data management system. This modernization will greatly improve responsiveness, and promote collaboration with stakeholders.

(b) The necessity of the amendment to this administrative regulation: All proprietary schools will use the electronic data management system.

(c) How the amendment conforms to the content of the authorizing statutes: The statute requires the commission to promulgate regulations regarding applications, permits, and renewals. The electronic data management system allows for a controlled exchange of information among stakeholders while maximizing operational efficiencies.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation provides guidelines to proprietary schools to assist in a more efficient application process, reduce operating expenses, and improve record management.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Commission on Proprietary Education, the 16 commercial driver license training schools, and any proprietary school requiring licensure pursuant to KRS 165A.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: All proprietary schools will be required to utilize the electronic data management system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is not a cost increase associated with the proposed amendment.

(c) As a result of compliance, what benefits will accrue to the entities: The electronic data management system will replace a paper based system, facilitate compliance, simply document version control and ultimately lead to a major efficiency.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the commission associated with the implementation of this amendment.

(b) On a continuing basis: There will be no costs to the commission associated with the implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The commission is funded entirely through fees paid by licensed schools.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendment to this administrative regulation will not require an increase in fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment to this administrative regulation will not require an increase in fees.

(9) TIERING: Is tiering applied? Tiering is not applied because there is no change to the fee or application structure.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Commission on Proprietary Education and proprietary schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 165A, KRS 165A.340, (6), (10), 165A.400, 165A.465, 165A.510.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the commission.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate any new revenue for the commission.

(c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Future costs will remain unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no fiscal impact associated with this amendment.